THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 4260 of 2005

Dt:18.10.2005

Between:

Sri Shaik Baji

.. Petitioner

and

The R.D.O., and others

.. Respondents

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 4260 of 2005

ORDER:

Heard both sides and perused the material on record.

The petitioner claims to be a Toddy Tappers Cooperative Society, registered under A.P. Cooperative Societies Act consisting of 25 members. It is claimed that the area of operation of the society includes six Gram Panchayats including the hamlet villages surrounding the Gram Panchayats. The six Gram Panchayats are as follows:

1. Chembedu
2. Arthamala
3. Sirasanambedu
4. Chavali
5. Palakchoru
6. Ravalapadu.

As per the byelaws of the society, the members of the petitioner society alone are entitled to carry on the tapping in the area of operation. However, it is alleged that the third respondent, Prohibition and Excise Superintendent, Nellore District, has granted T.F.T. licences in favour of respondents 5 to 8 without taking into consideration the objections raised by the petitioner-society that no fresh T.F.T. licences can be granted within the area of operation of the petitioner-society.

The specific case of the petitioner-society is that it made a representation raising the objections as long back as on 27.01.2005. However, without considering the objections, the licences were granted in favour of respondents 5 to 8 on 15.03.2005 in respect of Kappagunta Kandriga and Chewali Villages which fall within the area of operation of the petitioner. Hence, this writ petition.

Having heard the learned counsel for both the parties and particularly keeping in view the nature of controversy involved in the writ petition, I am of the view that it is necessary for the third respondent to conduct a detailed enquiry into the objections raised by the petitioner-society.

The petitioner also claims that on the basis of the representation made by the petitioner-society, the first respondent, Commissioner, Prohibition and Excise, vide proceedings, dated 05.03.2005, directed the third respondent to take necessary action as per the new policy for the year 2004-05.

In the circumstances, without expressing any opinion on merits, the writ petition is disposed of with a direction to the third respondent to conduct necessary enquiry into the grievance of the petitioner-society in terms of the proceedings of the first respondent, dated 05.03.2005, and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of this order. Needless to mention that before passing any such order, the petitioner-society as well as respondents 5 to 8 shall be afforded due opportunity to put-forth their own versions. There shall be no order as to costs.

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18.10.2005

kdl